

6/2/2017

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY: /s/T. Taylor  
DEPUTY CLERK

MICHAEL JOSEPH FORMICA,  
Petitioner,

v.

HAROLD W. CLARKE,  
Respondent.

CASE NO. 7:16CV00342

FINAL ORDER

By: Hon. Michael F. Urbanski  
United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the motion to dismiss (ECF No. 8) is **GRANTED**, the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**, and the clerk shall **STRIKE** this action from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 2<sup>nd</sup> day of June, 2017.



United States District Judge